REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1, 13, 17, 29 and 32 have been amended. Hence, Claims 1-32 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 13, 29, and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 5-7, 17, 18 and 21-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*").

Claims 3, 4, 8-12, 19, 20 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*") in view of U.S. Patent Number 6,418,451 issued to Maimone ("*Maimone* ").

Claims 13-15 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*") in view of U.S. Patent Number 6,128,771 issued to Tock et al. ("*Tock* ").

Claims 16 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*") in view of The Java Wirtual Machine Specification ("*JVM Spec.*").

THE REJECTIONS BASED ON 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 13, 29, and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have been amended and Applicants request the Examiner withdraw the aforementioned rejections.

THE REJECTIONS BASED ON THE PRIOR ART

A. Claims 1, 2, 5-7, 17, 18 and 21-23

Claims 1, 2, 5-7, 17, 18 and 21-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*"). This rejection is respectfully traversed.

Claims 1 and 17

Applicants respectfully submit that *McGurrin* does not anticipate the amended independent Claims 1 and 17, because (among other things) *McGurrin* does not disclose an **instance** of a class containing attributes **not in said class or any superclass of said class**.

The section that the Office Action cited for this claim limitation (Office Action, page 3, paragraph 6, line 5) is as follows:

"[o]f an **instance** (e.g., see *102, 104, 106* FIG. 1 & associated text)"

Every attribute of instances 102, 104 and 106 in *McGurrin* is in the class to which those instances belong. In *McGurrin,* when attributes not in a class are added to an instance of the class, the class is automatically modified to reflect the new attribute.

McGurrin discloses:

> Adding a form to the object repository effectively adds the object class associated with the form to the object repository. The forms in the object repository may then be "inherited" by applications. When a form in the object repository is inherited by an application, an object class is created that is a subclass of the object class of the form in the object repository. **An instance of the new object class is also declared, and a "child form"** that reflects the attributes of the new object class is displayed. (*McGurrin*, col. 3, lines 14-23)

According to *McGurrin*, instances 102, 104 and 106 are instances of a new class that is a subclass of the template form class. Accordingly, these child forms initially inherit all of the attributes and methods of the parent class. "Consequently, the child form will initially appear identical to the form associated with the parent class (the "parent form"). (*McGurrin*, col. 3, lines 27-29)

The user, by then manipulating the child form, is able to add new attributes to the child class, changing the definition of the child class. (*McGurrin*, col. 3, lines 30-34) As *McGurrin* states,

> **If a user adds a button to the child form, a button attribute that does not exist in the parent object class is added to the new object subclass.** (*McGurrin*, col. 3, lines 36-40)

Because the definition of the subclass in *McGurrin* is changed, all instances of the class reflect the attributes that were added to the instance. Therefore, all attributes of instances 102, 104 and 106 in *McGurrin* are in the subclass definition.

This obviously does not teach or suggest the claimed

> **...associating with said instance of said class an attribute that is not in said class or any superclass of said class ...**

Thus, for at least the reason set forth above, the original Claims 1 and 17 are patentable over *McGurrin*.

Although the original Claims 1 and 17 are clearly allowable in view of *McGurrin*, to further clarify any possible confusion, the claims have been amended to include additional limitations that are not disclosed, taught, and suggested by *McGurrin*. The added limitation clarifies that "associating said attribute with said instance does not cause said attribute to become an attribute of said class."

B. Claims 3, 4, 8-12, 19, 20 and 24-28

Claims 3, 4, 8-12, 19, 20 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*") in view of U.S. Patent Number 6,418,451 issued to Maimone ("*Maimone* ").

<u>Claims 3, 4, 8-12, 19, 20 and 24-28</u>

The rejection is respectfully traversed, because the Office Action fails to factually support any prima facie conclusion of obviousness.

Specifically, *McGurrin* and *Maimone*, either individually or in combination, fail to disclose, teach or suggest all the claim limitations of Claims 3, 4, 8-12, 19, 20 and 24-28. As discussed above, *McGurrin* fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class" in the original independent Claims 1 and 17 and also fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class wherein associating said attribute with said instance does not cause said attribute to become an attribute of said class" in the amended Claims 1 and 17.

Similarly, *Maimone* does not disclose, teach, or suggest the aforementioned two claim limitations. Instead, *Maimone* focuses on "A method, apparatus, and computer program product [to] enable objects of an object-oriented environment to be persistsed in a relational database." (*Maimone*, Abstract). Because Claims 3, 4, 8-12, 19, 20 and 24-28 either directly or indirectly depend on Claims 1 and 17, they are patentable over *McGurrin* in view of *Maimone* for at least the same reasons set forth above in Section A.

C. Claims 13-15 and 29-31

Claims 13-15 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. ("*McGurrin*") in view of U.S. Patent Number 6,128,771 issued to Tock et al. ("*Tock* ").

<u>Claims 13-15 and 29-31</u>

The rejection is respectfully traversed, because the Office Action fails to factually support any prima facie conclusion of obviousness.

Specifically, *McGurrin* and *Tock*, either individually or in combination, fail to disclose, teach or suggest all the claim limitations of Claims 13-15 and 29-31. As discussed above, *McGurrin* fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class" in the original independent Claims 1 and 17 and also fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class wherein associating said attribute with said instance does not cause said attribute to become an attribute of said class" in the amended Claims 1 and 17.

Similarly, *Tock* does not disclose, teach, or suggest the aforementioned two claim limitations. Instead, *Tock* focuses on "A system and method for automatically converting a compiled program that accesses objects stored in main memory into a program that accesses and updates persistently stored objects." (*Tock*, Abstract). Because Claims 13-15 and 29-31 either directly or indirectly depend on Claims 1 and 17, they are patentable over *McGurrin* in view of *Tock* for at least the same reasons set forth above in Section A.

D. Claims 16 and 32

Claims 16 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,913,063 issued to McGurrin et al. (*"McGurrin"*) in view of The Java Wirtual Machine Specification (*"JVM Spec."*).

Claims 16 and 32

The rejection is respectfully traversed, because the Office Action fails to factually support any prima facie conclusion of obviousness.

Specifically, *McGurrin* and *JVM Spec*, either individually or in combination, fail to disclose, teach or suggest all the claim limitations of Claims 16 and 32. As discussed above, *McGurrin* fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class" in the original independent Claims 1 and 17 and also fails to disclose "associating with said instance of said class an attribute that is not in said class or any superclass of said class wherein associating said attribute with said instance does not cause said attribute to become an attribute of said class" in the amended Claims 1 and 17.

Similarly, *JVM Spec* does not disclose, teach, or suggest the aforementioned two claim limitations. Instead, *JVM Spec* "describes the Java Virtual Machine CLASS file format (*JVM Spec*, page 1, ¶ 1). Because Claims 16 and 32 either directly or indirectly depend on Claims 1 and 17, they are patentable over *McGurrin* in view of *JVM Spec* for at least the same reasons set forth above in Section A.
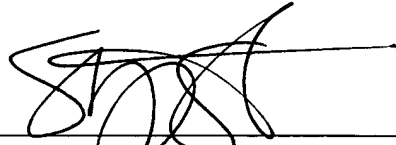
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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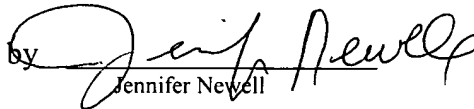Stephen J. Shaw
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Jennifer Newell